

## CIVIL DOCKET

HOLLOWAY-BARROW-DAUGHERTY

## UNITED STATES DISTRICT COURT

Jury demand date:

D. C. Form No. 106A Rev.

TITLE OF CASE	ATTORNEYS																																				
<p><u>SOONER STATE NEWS AGENCY, INC.,</u>            (A Body Corporate of the State of Oklahoma)            6535 East Skelly Drive            and  <u>DELTA P. WIX,</u>            A Resident of Tulsa County            Tulsa, Oklahoma,</p> <p style="text-align: center;">Plaintiffs,</p> <p>vs.</p> <p><u>S.M. FALLIS, JR.,</u> Esquire, Individually            and in his capacity as District Attorney            for Tulsa County, Tulsa, Oklahoma,            and  <u>RONALD SCHAFFER,</u> Esquire, individually            and in his capacity as Assistant District            Attorney for Tulsa Co., Tulsa, Okla.            and  <u>JACK PURDEE,</u> individually and in his            capacity as Chief of Police, Tulsa, OK            and  <u>DAVID FAULKNER,</u> individually and in his            capacity as Sheriff of Tulsa Co., Tulsa,            Oklahoma,</p> <p style="text-align: center;">Defendants.</p> <p>Honorable Raymond W. Graham, presiding            District Court Judge of Tulsa County,            State of Oklahoma,            Additional defendant</p>	<p>For plaintiff:</p> <p>Don E. Gasaway <i>932-4661</i>            1843 East 15th            Tulsa, Oklahoma 74104            918/ 932-4661</p> <p>For defendant:</p> <p><i>582-6261</i>            R. W. Byars &amp; Andrew B. Allen            630 W. 7th            Tulsa, Oklahoma</p> <p>Paul Crowe (Atty Gen's Office)            Kenneth Delashaw (Atty Gen's Office)</p> <p><i>405-521-3921</i></p>																																				
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 30%;">STATISTICAL RECORD</th> <th style="width: 20%;">COSTS</th> <th style="width: 10%;">DATE</th> <th style="width: 20%;">NAME OR RECEIPT NO.</th> <th style="width: 10%;">REC.</th> <th style="width: 10%;">DISB.</th> </tr> </thead> <tbody> <tr> <td>J.S. 5 mailed <i>8-1-73</i></td> <td>Clerk</td> <td>7-16-73</td> <td>Gasaway</td> <td>15 00</td> <td></td> </tr> <tr> <td>J.S. 6 mailed <i>1-1-74</i></td> <td>Marshal</td> <td>7-19-73</td> <td>C.D.No.59</td> <td></td> <td>15 00</td> </tr> <tr> <td>Basis of Action: <b>Permanent Injunction</b></td> <td>Docket fee</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td>Witness fees</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Action arose at:</td> <td>Depositions</td> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>	STATISTICAL RECORD	COSTS	DATE	NAME OR RECEIPT NO.	REC.	DISB.	J.S. 5 mailed <i>8-1-73</i>	Clerk	7-16-73	Gasaway	15 00		J.S. 6 mailed <i>1-1-74</i>	Marshal	7-19-73	C.D.No.59		15 00	Basis of Action: <b>Permanent Injunction</b>	Docket fee						Witness fees					Action arose at:	Depositions					
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DATE	PROCEEDINGS	Date Order or Judgment Noted
7-16-73	Complaint for Permanent Injunction, Mandatory Injunction, Damages and Convocation of Three Judge Court, filed. v	
7-16-73	Motion, re: Complaint for Deprivation of Civil Rights; Judgment for Actual Damages; Mandatory Injunction & Permanent Injunction; and Convocation of a Three-Judge Panel, filed. v	
7-24-73	Brief in Support of Requested Relief, filed. jj	
7-24-73	Return on U.S. Marshals Service, Summons & Motion, filed. Served S. M. Fallis, Jr., District Atty., Tulsa Co., OK, on 7-23-73, with fees of \$6.00. Served Ronald Schaffer, Asst. D.A., Tulsa Co., OK, on 7-16-73, with fees of \$6.00. Served David Faulkner, Sheriff of Tulsa Co., OK, on 7-16-73, with fees of \$6.00. Served Jack Purdee, Chief of Police, Tulsa, OK, on 7-16-73, with fees of \$6.00. v	
8-3-73	App. for Ex. of Time to Further Plead or Ans. filed by Defts. which includes Order, filed, granting defts ex. of time of 15 days from 8-3-73 to file its pleading or answer complaint (JCS-Clk)jj copies mailed	
8-9-73	Order constituting 3-judge court (Holloway, Barrow & Daugherty), filed. (David T. Lewis, Ch. Judge, USCA)g	
8-20-73	Application for <sup>30 days</sup> Extension of Time within which to further plead or answer, filed. jj 0 to J <i>copies to Judge</i>	
8-27-73	Amended Application for <sup>30 days</sup> Extension of Time Within Which to Further Plead or Answer, filed. jj Orig. App. & 0 to J <i>copies to Judge</i>	
8-28-73	Order, filed, granting Deft.s 15 da. from 8-20-73 to ans. Further ordered that no further extensions will be granted. (AEB-J)v <i>to counsel. to judges jj</i>	
9-4-73	Defendant's motion to dismiss, filed. ds	
9-4-73	Defendants brief in support of motion to dismiss, filed. ds	
9-4-73	Ordered by the Court that plaintiff's respond to defendants' motion to dismiss with a reply brief within ten days of this date. (AEB-J) ds	
9-7-73	Hearing/ <sup>set</sup> on preliminary injunction and hearing on merits set for October 3, 1973 at 10:00 A.M. (AEB-J)jj -all parties notified -	
9-10-73	Mtn. to Add Additional Party deft., filed. jj <i>has and into copy to Judge</i>	
9-10-73	Appl. for Setting on Accelerated Docket, filed. jj <i>copies to Judge</i>	
9-11-73	Order granting plaintiff's motion to add additional party defendant, filed. (AEB-J) (order part of motion filed 9-10-73) ds	
9-11-73	Plaintiff's first amended complaint, filed. ds summons issued.	
9-12-73	U.S. Marshal's Service returned & Filed. Served/ <sup>Summons on</sup> Honorable Raymond W. Graham, 9-12-73 at Tulsa, Okla. (USM \$3.00) jj	
9-14-73	Appl. of Pltf. for Enlargement of Time to respond to Mtn. to Dismiss of Defts be extended 5 days from 9-14-73. jj 0 to J	

D. C. 110A Rev. Civil Docket Continuation

DATE	PROCEEDINGS	Date Order or Judgment Noted
9-17-73	Order granting ext. of 5 days or until 9-19-73 for plaintiffs to file their reply to motion to dismiss filed.(AEB-J)h -copies mailed-	
9-19-73	Brief of Pltf. in response to Mtn. to dismiss filed.jj	
9-21-73	Minute Order filed that Def's motion to dismiss overruled without prejudice and defs granted 10 days to answer the complaint (Oct 1, 1973) Damages claimed will be heard at a later date if necessary. Case set for hearing on TRO on Tues. Sept. 25, 1973 at 10:30 am.(AEB-J)h	
9-21-73	Order overruling def's motion to dismiss filed; defs granted 10 days to answer complaint. (AEB-J)h -copies mailed-	
9-25-73	Hearing on TRO held. Parties present and represented. Witnesses sworn and testimony given. It is ordered that Plaintiff's motion to add additional party plaintiff denied. Defs oral motion for dismissal of application for TRO overruled. Both parties rest. Court orders that appl. for TRO denied.(AEB-J)h	
9-25-73	Plaintiffs exhibits 1-13 filed.h	
9-28-73	Motion to dismiss of Raymond W. Graham filed. js	
9-28-73	Memorandum brief in support of Mot. to Dismiss filed. js	
10-1-73	<u>Answer</u> of deft S.M. Fallis, Jr. Ronald Shaffer, Jack Purdie, David Faulkner, & Hon. Raymond W. Graham filed. v -copies to Judges-	
10-3-73	Memorandum brief of defts filed. r	
10-3-73	Brief in response to Mtn to dismiss as to Judge Raymond W. Graham filed.r	
10-3-73	Case called for hearing on Prel. Inj. and Hearing on Merits. Arguments made as to def. Raymond Graham's motion to dismiss. Plaintiffs announce no objection and intent to dismiss complaint against Def. Graham as to damages. Ct orders that Plaintiffs' motion to dismiss as to damages as to def Graham is granted, and the balance of the motion to dismiss as to Graham is overruled. Motion to add additional party defendants overruled. At request of plaintiff and upon stipulation of parties, all exhibits and transcript of hearing held 9-25-73 are admitted into evidence of this hearing. Don A Austin sworn and testified; and based on stipulation of parties, plaintiff is to furnish certified xerox copies of State Ct. files, #C73-1730, CRF-1309 and CRF-1310, offered by Plaintiff, and no objection by defendant. Plaintiff rests. Defs oral motion to deny injunction denied. Trial on merits held. Copy of Okla. Statutes re: Potter filed by plaintiff for information purposes. Defs' oral motion to reopen case overruled, and def file copy of instructions Re: State of Okla. vs Hildahl for information purposes. Parties rest, and motion for preliminary and permanent Injunction taken under advisement by the Court.(Judges Holloway, Barrow and Daugherty)h	
10-3-73	Exhibits 1,2,3,4&5 of the Plaintiff filed. h	

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DATE	PROCEEDINGS	Date Order or Judgment Noted
10-4-73	Minute Order: It is ordered that the parties are requested within 3 days to submit a memorandum by letter to the panel addressing the application of England v. Louisiana Medical Examiners, 375 US 411 (1964), and doctrine related thereto to the issues in this case. The letter memorandum should be mailed within 3 days to the judges at their chambers respectively, in Okla. City, and Tulsa, and to the Clerk of the Court. (AEB-J)h <i>letter to attys &amp; judges and phone call 9-4</i>	
10-9-73	Memorandum of Position and Authorities of Deft., filed. jj	
10-10-73	Letter-memorandum of plaintiffs, filed. g	
12-3-73	Memorandum opinion, filed and entered. (Judges Holloway, Barrow & Daugherty) (copies mailed counsel, Judges & West Publishing) hm + Clerk, USCA	
12-3-73	Judgment, filed and entered, that claims for damages against Hon. Raymond Graham are dismissed & all other relief against said deft. is denied; claims for injunctive relief against remaining defts. to restrain or enjoin prosecution of presently pending actions denied; remaining defts. are put under certain restraints; claims for damages shall be heard & determined hereafter as provided by order of the Chief Judge & not by the 3-judge panel; all other claims for relief not specifically disposed of are denied. (Judges Holloway, Barrow & Daugherty) (copies mailed counsel, Judges & West Publishing) hm + Clerk, USCA	
12-3-73	It is ordered that this case is set for hearing on damages before Judge Allen E. Barrow, on Tues. Dec. 18, 1973 at 10:00 am. (AEB-J)h (notice mailed)	
12-6-73	Application to stay judgment, filed by defts. rm - copies to judges	
12-7-73	Order filed granting a stay in exec. of the Judg. fld. on 12-3-73 until 5:00 P.M. Dec. 13, '73. a	
12-12-73	Case stricken from docket of Dec. 18, 1973 pending settlement. (AEB-J)h	
12-12-73	Application to Dismiss Damages Claim, filed. jj 0 to Judge Barrow	
12-12-73	Order filed that the damage portion against the def. S.M. Fallis, Jr. Ronald Shaffer, Jack Purdie, et al is ordered stricken from the docket as settled. (AEB-J)h copies mailed parties and judges.h	